



NOV 17 2003

Los Niños

(Children's) International Adoption Center

November 10, 2003

U.S. Department of State
CA/OCS/PRI, Adoption Regulations
Docket Room, Docket number
State/AR-101/96
2201 C Street NW
Washington, DC 20520

The question for clarification is regarding Subpart C paragraph 96.13
Activities that do not require accreditation, approval, or supervision. From pages 54096
and 54097 (a) and (b).

American social workers, licensed in a U.S. State, and living overseas (often on or near
U.S. military bases) perform home studies and post-adoption services for American
clients. Do they fall into the above categories of Child-welfare Services that do not
require accreditation, approval or supervision?

U.S. agencies are forbidden by the laws of many countries to maintain social workers
abroad. Thus, the only source of services for these Americans is to use independent,
social workers licensed in their home state. These social workers may maintain a
contract with an individual client or with a U.S. child-placing agency.

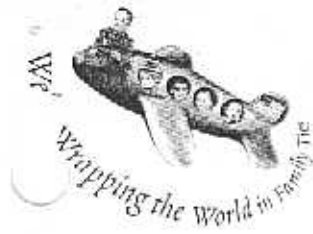
This question has also been sent electronically.

Sincerely,

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NOV 19 2003

Los Niños (Children's) International Adoption Center

Hague Proposed Regs. LNI Comments

November 12, 2003

U.S. Department of State
CA/OCS/PRI, Adoption Regulations
Docket Room, Docket Number
State/AR-101/96
2201 C Street NW
Washington, DC 20520

Comments by Los Ninos International Adoption Center
The Woodlands, TX 77380

Although LNI also participated in group comments with the N.C.F.A and with IAVAAN, the following comments are from LNI alone.

Preamble: Deemed Status:

I am not clear on the comments by some organizations regarding "deemed status" of a portion of the proposed Convention Regs. for agencies, who are (currently ?) C.O.A. Accredited. Should DOS grant some kind of deemed status to such agencies in the Final Regs, would that only be for currently C.O.A. accredited agencies for the Inter-country Adoption Section? Also if so, would formerly accredited agencies be considered for the same or a similar exemption for a portion of the Convention accreditation Regs?

As you can see, once you open the door and grant exemptions, where does one stop?

For instance if some State governments should become accrediting entities for agencies, licensed in their state, there may a fee difference but there should not be a difference in the regulation standards.

96.2 Post Placement versus Post-Adoption services. I don't think there should be any changes made as the definitions under 96.2 (pages 54093-94) from (1) to (6) are exactly the same as in the IAA of 2000 under section 3, Definitions. (A) to (F). The only slight difference is in the law (E) versus the regs. (5). when the law states "Post-Placement Monitoring of a case until final adoption" while the regs say: "monitoring a case after a child has been placed with adoptive parent(s) until final adoption". The intent is the same.

The catch is that Post-adoption service does not fall into the category of requiring accreditation or supervision. It would, therefore be a "welfare service" and exempt from accreditation and/or supervision. A clarification is needed.


Also it may require a third category because of the words "until final adoption". With the exception of children coming into the U.S. from India and from Korea who come either under a guardianship or "custody transfer" and therefore with a IR-4 Visa, most, if not all other countries now require the presence of both parents (in case of a couple adopting) for the adoption. Thus IR-3 visas will be issued. Into which category would these cases fall? As they children are not adopted abroad, no automatic citizenship exists and adoptions in the state of residence are required. (There ought to be a federal standard for such adoption in the U.S. as state adoption standards vary and most states, Texas included, do not have any regulations for the adoption of children coming from other countries. Individual judges will make the rules. The other category is: Cases of IR-4 visas issued in countries, that issue a final adoption decree, but no parent or only one parent was present for the adoption. However, the country issued an adoption decree. (Guatemala does and China has in some cases). Due to the IR-4 visa issued in such cases, adoption or re-adoption in the state of residence have to occur before U.S. citizenship can be granted.

There maybe a need for a sub-category for the latter as it falls into "post-placement monitoring until final adoption." I like to see a clarification between these cases. And, if it is within the law and/or the power of the DOS a "standard" for US states for the adoption or re-adoption in these cases. Again, a level playing field is all I am asking for. I am not sure that these differentiations are clearly understood by many agencies.

96.37 (f)(1) and 96.45 (7)

Many U.S. states do not require a master's degree for staff, conducting home-studies. In Texas, a licensed social worker with a bachelor's degree can do home-studies. However a supervisor in the agency has to sign off on such studies. The supervisor can either have a LMSW or a Master's degree in Human services and a state license. Other states do not have licensed social workers, or do not require MSW's for home-studies. As long as states have a certain amount of responsibilities in the licensing of agencies as the basis for accreditation, states should have some kind of "umbrella guide-lines" to fit both, the regulations and their state standards. (Many MSW's have gone into private practice and it may increase agency costs to hire a lot of MSW's across the U.S.!

Sincerely,



Heino R. Erichsen
Co-Founder and
Director for Public
Policy